

CHAPTER VI.

*An Act to incorporate the Borough of Anoka.*March 5, 1869.

- SECTION 1. Boundary lines of the Borough of Anoka.
2. Incorporation of the Borough of Anoka.
3. All subdivisions to be termed Districts.
4. Officers of said corporation.
5. Common Council—of whom to consist—style of all ordinances—when Council to meet—quorum—may remove officers and fill vacancies—who to preside at the meetings.
6. Duties of the Mayor.
7. Duties of the Clerk.
8. Duties of the Treasurer.
9. Jurisdiction of Justice of the Peace.
10. Duties of Constable.
11. Constable to be Chief of Police.
12. Duties of the Attorney.
13. When annual election to be held—manner of conducting elections—who to be Inspectors of first election.
14. Terms of office.
15. Eligibility to office—persons elected to office to take oath conditioned for the faithful performance of their duties—no officer to be interested in any contract to which said corporation shall be a party—who to be officers of the peace.
16. Council to prescribe the place where annual elections to be held—who to be Inspectors of election.
17. What to be deemed evidence of the publication of all ordinances.
18. Powers of the Council.
19. To prevent the dangerous construction of chimneys, etc.
20. Cost of opening, grading and repairing streets and sidewalks, how paid.
21. May constitute one or more road districts.
22. Council to appoint overseers of road districts—duties of overseers.
23. What property subject to taxation in said Borough.
24. Council to report to County Auditor the amount of general and special taxes levied on the Borough—duty of County Auditor—how tax collected.

25. How actions may be brought to recover any penalty or damages under this act—penalty for non-payment of judgment.
25. Said Borough to constitute a part of the town of Anoka.
26. Declared a public act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundary lines
of the Borough
of Anoka.

SECTION 1. That all the district of country known and described as follows: All of the fractional township number thirty-one, range twenty-five, west; and the west half of section six; and the west half of section seven, town thirty-one, range twenty-four, west; shall be, and the same is hereby created a borough, by the name of Anoka.

Incorporation
of the Borough
of Anoka.

SEC. 2. That the people who now do, or hereafter may reside within said borough, are hereby created a corporation for municipal purposes, with perpetual succession, under the name and style of the "Borough of Anoka," and as such corporation, shall possess and enjoy all the powers, rights, and privileges which can now or hereafter be possessed and enjoyed by corporations for municipal purposes, under the constitution and laws of the state of Minnesota.

All subdivisions
to be termed
districts.

SEC. 3. That all sub-divisions of said borough shall be termed districts, and be numbered in the order of creation, and until the first sub-division thereof, the whole of said borough shall constitute the first division; but no district having less than one hundred legal voters therein, shall be created by said corporation.

Officers of said
corporation.

SEC. 4. That the officers of said corporation shall be one mayor, three councillors, one treasurer, one clerk, one attorney, one borough justice, and one constable, all of whom shall be elected from among, and by the legal voters of said borough.

Who to consti-
tute the council
—style of all
ordinances—
when council to
meet—quorum
—may remove
officers and fill
vacancies—who
to preside.

SEC. 5. That the mayor and councillors shall constitute the council, to which body shall belong the exclusive right to exercise all the legislative powers granted by this act to said corporation, except as otherwise therein specially provided. All actions of the council intended to have the force of rules, or law, or authority for contract, shall be by ordinance under the style of "Be it ordained by the council of the borough of Anoka;" but no ordinance shall embrace more than one subject, which shall be expressed in its title. And no ordinance shall be amended, unless the ordinance or section thereof as so amended, shall be stated in full in the ordinance making such amendment. The council shall meet for the transaction of business, at least

once in three months, and a majority of the council shall be a quorum for business, and may remove the other officers, for sufficient cause, and fill vacancies by appointment, and may, by ordinance, prescribe the kind of security and the mode of giving the same, for the other officers, and may prescribe by ordinance the duties of all officers. The mayor shall preside at all the meetings of the council, unless unable to attend from any cause; in such case one of the council may be chosen by the rest to preside during his absence, but no ordinance shall be made except by a vote of the majority of all the members of the council present. A record in book form shall be kept by the clerk, in which he shall record all the proceedings of the council, and the ayes and noes on every ordinance voted upon shall be entered therein.

SEC. 6. That to the mayor shall belong the exclusive right to exercise all the executive powers granted by this act to said corporation, *except such of said powers as are thereby specially vested in, or must from the nature of their several offices, necessarily pertain to the other executive officers of said corporation, whether said officers are created by this act, or hereafter shall be, under section five thereof.* He shall have power, and it shall be his duty, to call out and use in such manner as to him may seem most proper, all the constabulary or police force, or any organized or unorganized force of armed citizens of said borough, or the whole, or any part thereof, whenever he may deem the same necessary to quiet or prevent riot, but he shall forthwith report to the council the fact of such call or use, or both together, with the reasons therefor, and the circumstances connected therewith, and upon the action of the council on such report, shall depend the length of time which said force or forces or any part thereof shall continue on such duty. He shall have power to call a meeting of the council, by giving such notice thereof as may have been provided therefor by ordinance, or in default of such provision, as he may deem meet and proper.

Duty of mayor.

SEC. 7. The clerk shall be the recording officer of the borough and the council, and shall attend at all the meetings thereof. He shall have the custody of the seal of said corporation, and of all the records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, and shall immediately pay the same over to the treasurer,

Duty of clerk.

charging him therewith, and taking his receipt therefor. He shall keep all the accounts of said corporation, and shall audit all claims against the same, but no claim shall be allowed by him, unless he shall have authority to do the same, by some general or special ordinance. He shall draw all orders upon the treasurer for moneys payable by said corporation, but no such order shall ever be drawn by said clerk, unless the same shall be in full or in part payment of a claim against said corporation, previously audited and allowed, and there shall be in the hands of said treasurer, moneys belonging to said corporation, otherwise unappropriated and undrawn for, sufficient to pay said order. Every order shall bear the seal of said corporation, and be endorsed by the clerk, over his official signature, as follows: "Authorized by an ordinance entitled (here insert the title) ordained on the (here insert the day and year of the passage of said ordinance.)" The clerk shall levy or assess all taxes or assessments authorized by ordinance of the council, and for that purpose, or in connection therewith, shall have access to, and the right to make copy of, all and every records pertaining to taxes, kept or made by the several officers, or any of them, in and for the townships surrounding, or the county including said borough. He shall make at the close of each official year, to the council, a condensed report of all his doings as such officer, during such year, which report shall be published in such manner and to such extent, as may be provided by ordinance of the council, and he shall, with all reasonable dispatch, make such other reports, and at such times, as the council shall require.

SEC. 8. That the treasurer shall be the depository of all moneys belonging to said corporation, and he shall receipt to the clerk therefor. He shall from such moneys pay, upon presentation, all orders therefor drawn by the clerk. *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of the payee therein, and the party receiving the money therefor.

SEC. 9. That to the borough justice elected under the provisions of this act, shall belong separately and exclusively, as to all other officers and courts, the right to exercise originally all the judicial powers granted to said corporation by this act, except as elsewhere therein specially provided for; but the council shall fix the kind and amount of compensation of said borough justice, except as

Duty of clerk.

Duty of treasurer.

Jurisdiction of justices of the peace.

in this section hereinafter provided, said borough justice shall, within the county in which he shall reside, and keep his office as such, also have and exercise all the powers and jurisdiction of, and when acting as such, receive the same compensation as justices of the peace elected under the general laws of the state of Minnesota; but all portions of general laws relating to trial by jury, change of venue, appeals, writs of certiorari, in and from justices' courts, shall apply to the entire jurisdiction of said borough justice. *Provided*, That in matters arising solely under this act, or under the ordinance made in pursuance thereof, no change of venue shall be taken from the borough justice, except to another borough justice, whenever said borough shall have more than one justice. *Provided further*, That all writs and processes of said borough justice in relation to such of the matters arising solely under this act, or such ordinances as shall be of a penal nature, may be issued to the sheriff of the county in which said borough is situated. The borough justice shall keep a record of all his official doings, and he shall forthwith pay over to the clerk of said borough all fines collected by him.

SEC. 10. The constable elected under the provisions of this act, shall be the ministerial officer of the council and the court in and for said borough; and belong to the police force of said borough, but the kind and amount of compensation for his services as such, except as in section ten of this act is otherwise provided, shall be fixed by ordinance of the council, and said constable shall, within the county in which he resides, also have and exercise all powers, and perform all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the state of Minnesota.

Duty of constable.

SEC. 11. That the constable shall be chief of the entire police force of the borough, but as such he shall be subordinate to the mayor.

Who to be chief of police.

SEC. 12. That the attorney shall be the legal adviser of the officers and council of said corporation in all matters relating to their official duties, and he shall render such legal counsel to them, or any of them, whenever, but only when the application therefor is made in writing, signed by the applicant, which writing shall contain the points upon which said counsel is asked, and all opinions by him shall be made in writing, copies of which, together with the original application therefor, shall be preserved

Duty of attorney

in his office, and delivered by him to his successor in office. He shall be and act as the attorney of said corporation, in all actions to which said corporation may be a party.

SEC. 13. There shall be an annual election held in said borough on the first Tuesday after the first Monday in April of each year, at which the electors of said borough, qualified to vote as hereinafter specified, may elect by ballot and plurality of votes all or any of the officers mentioned in section four of this act. The clerk shall give ten days' notice of the time and place of holding such election, by posting up written notices thereof in three of the most public places in said borough. *Provided*, That the first election shall be held on the first Tuesday after the first Monday in April, eighteen hundred and sixty-nine. The election shall be held and conducted in the same manner as town elections, and the laws of the state applicable to elections generally, shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing to any oath administered at the polls, shall be perjury, and punished accordingly. That for the purposes of the first election under this act, E. T. Alling, Lewis Martin, and George W. Putnam, shall be the inspectors of election, and also a board of canvassers for such election, and shall perform all the duties, and possess all the powers of inspectors of election and board of canvassers prescribed by this act; they shall appoint the place of holding the polls of such election, and post public notices thereof, ten days before the same; *Provided*, In case any of the foregoing board of inspectors and canvassers should not be present, or should fail to act as above, then and in that case it shall be lawful for the bystanders to fill any such vacancy that may occur in said board.

SEC. 14. That the term of office of the respective officers of said corporation shall be as follows: Of the councillors and clerk each three official years; of the borough justice and constable each two official years; and of all other officers each one official year; and all official terms shall succeed each to its preceding year, without lapse of time from any cause. *Provided*, That at the first general election under this act, one councillor from said borough shall be elected for a short term, to end with the first official year of said corporation, and one other councillor from said borough, for a short term, to

When annual election held—how conducted—who to be inspectors of first election.

Terms of office.

end with the second official year of said corporation. *And provided further*, That every officer shall hold over his official term until his successor is elected and qualified.

SEC. 15. That no person shall be eligible to any office of said corporation, unless he shall have the qualifications of an elector, and have been a resident of said borough for one year next preceding the day of his election to such office, and no person elected or chosen to any office under this act, shall enter into the possession of the same, until he shall have taken an oath in writing, to support the constitution of the United States, and the constitution of the state of Minnesota, and to faithfully and impartially discharge all and singular the duties of such office, whether the same be directly or collaterally given by or under this act, or necessarily appertain to said office, and (excepting the first mayor and councillors) shall have given such official bond as may have been in the manner previously prescribed by ordinance of the council, all of which official bonds shall be filed by the clerk, save and except the official bond of the clerk, which shall be filed with the treasurer; and all officers of said corporation shall receive for their services as such, only the kind and amount of compensation which may be prescribed and provided for by ordinance of the council, except as otherwise in this act specially provided for; and no officer thereof shall be directly or indirectly interested in any contract, express or implied, to which said corporation shall be a party, either on its own behalf, or on behalf of any member or members thereof, and in any such case, the officer so interested shall forfeit his office, and the contract in which he is so interested shall be void, and may be so declared by any court in and for said borough, or any court of record in the state of Minnesota, upon application sustained by sufficient testimony of any citizen of said borough. The mayor, councillors, borough justice, constable, and every officer, police or otherwise, hereafter created under the provisions of section five of this act, shall within said borough be conservators of the peace. All officers of said corporation shall, on demand, deliver each to his successor in office, all books, papers and other property in anywise appertaining to such officer, or belonging to said corporation.

Eligibility to office.

Officers to take oath and give bonds.

Who may not be interested in any job or contract for the borough.

Who to be officers of the peace within the limits of the borough.

Place of holding annual election.

SEC. 16. The council shall prescribe by ordinance the place within the borough where the annual election shall take place. The councillors shall be the inspectors of

such elections, and shall constitute the board of canvassers at the closing of the polls.

What deemed evidence of publication of all ordinances.

SEC. 17. The council may enact ordinances for all purposes contemplated by this act, and may fix penalties for violating the same, and they shall have the force of law. *Provided*, That no such ordinance shall be in force until the same shall have been posted up for ten days in three of the most public places in said borough, and the certificate of the clerk, entered upon record of said borough, shall be deemed sufficient evidence of the publication of the same.

Powers of the council.

SEC. 18. The council shall have power to regulate, open, and improve the levees, streets, and alleys, in said borough, by contract to the lowest and most responsible bidder, to determine the width of sidewalks, to regulate the public ground, regulate the market, to appoint a surveyor or surveyors of wood and lumber, and public weigher, to remove all nuisances and obstructions from the streets and commons of said borough, to prohibit public bathing within the corporate limits of said borough, to license common showmen, or any public exhibition, peddlers, billiard tables, bowling saloons, and all persons to vend and deal in spirituous, vinous, fermented, or malt liquors, to restrain the running at large of hogs, cattle or other animals, to prosecute immoderate driving in streets, and riding or driving on the sidewalks, to prevent any damage to sidewalks, cross walks, fences, buildings, shade or ornamental trees, and any public improvement, or property of said borough, and to establish and create pounds, pumps, water cisterns, reservoirs, drains, or ditches within the same.

To prevent the dangerous erection of chimneys, etc.

SEC. 19. To prevent the dangerous construction, placing or continuance of chimneys, fire-places, stove-pipes, or any pipes, or instruments for the conducting of fire, heat or smoke, ovens, boilers or appurtenances, and to cause the same to be removed or to be made secure, and to prosecute the depositing of ashes in any unsafe place, and to prevent the carrying on of any kind of business or manufactory dangerous in causing and promoting fires, or which might be dangerous to the health of the people of said borough.

Costs of surveying streets, alleys, etc., how paid.

SEC. 20. The costs and expenses of opening, grading, paving, or repairing streets, or alleys to the centre thereof, and also of sidewalks, shall be charged to the lots fronting on said improvements, but the council shall not

improve streets or walks in said borough, except by petition in writing signed by a majority of the owners and occupants who are living opposite said improvements.

SEC. 21. The borough of Anoka may be constituted one or more road districts, to be defined by the council, and the highway labor and taxes shall belong to the general fund.

May constitute road districts.

SEC. 22. The council shall appoint one overseer of each road district, and they shall issue a warrant to him, containing the whole amount of highway labor and taxes, assessed and levied in his district, which warrant shall be returned by him to the clerk of the borough. The laws of the state of Minnesota shall apply to warning, working, suing for, and collecting highway taxes, and to returning delinquent taxes, and in all other respects except as herein expressly provided. The council shall have power to direct the overseer when, where and how to expend said labor and tax, and to remove him for cause. The council shall perform the duties imposed by law on the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied, by the same laws applicable in levying highway taxes and labor.

Council to appoint overseers of road districts—to perform same duties as supervisors.

SEC. 23. All property, real and personal, in the borough, except such as may be exempt by the laws of this state or is borough property, shall be subject to taxation not exceeding two and a half mills on the dollar per year, for general purposes. Such property shall also be liable for such special taxes as the council shall be authorized to levy.

What property exempt from taxation.

SEC. 24. The council shall report to the auditor of the county of Anoka the amount of general taxes levied on the borough, and the amount of special taxes levied upon any of the lots or portions of said borough, and shall certify to him the lots or portions of the property upon which such special taxes are so levied, and it shall be the duty of the auditor of Anoka county to insert such taxes in the assessment roll of the town of Anoka, and the same shall be collected by the county treasurer, or returned by him as delinquent, and all proceedings in relation thereto, including the selling, conveying, and redeeming property, shall be the same as in proceedings on account of other taxes. The borough shall be a town, so far as the collection of taxes will admit. All residents of the borough shall pay a tax on their personal property, wherever situated, proportionally with their real estate tax.

Council to report to auditor—duty of auditor—duty of treasurer.

How actions to
begin--penalties
for non-payment
of judgments.

SEC. 25. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the council, it shall be sufficient to complain that the defendant is indebted to the borough for the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the council. They shall have power to settle, compromise or prosecute all such actions on the part of the borough, when said borough shall be a party or be interested in such action; and no person shall be an incompetent witness or juror by reason of being an inhabitant of said borough, in an action to which the borough shall be a party. Every execution issued upon any judgment recovered therein, for any penalty, may contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty days, if the damages recovered by said judgment shall be ten dollars or less, and sixty days if such damages exceed that sum, and if there be no county jail, then the general laws of this State shall apply in such cases, and the defendant shall be dealt with according to them, in the matter of imprisonment.

To be a part of
the town of
Anoka.

SEC. 26. In all respects not herein provided for, the borough of Anoka shall constitute and be a part of the town of Anoka.

Declared a public
act--when to
take effect.

SEC. 27. This act shall be considered a public act, and shall be in force from and after its passage. *Provided*, That if twenty-five of the legal voters of the district in the first section of this act, described as the borough of Anoka, shall petition the canvassers in this act named, in writing, on or before the fifteenth day of March, A. D. one thousand eight hundred and sixty-nine, for an election to determine whether the people of said district desire this act of incorporation, the said canvassers shall appoint and fix a day for such election, which shall not be after twenty-fifth day of March, A. D. one thousand eight hundred and sixty-nine, and shall give due notice thereof, which notice shall be substantially the same as is required by section thirteen of this act for annual elections. Said canvassers shall be judges of said election, and said election shall be held and conducted in the same manner as is provided in this act for annual elections. Those voting at such election shall possess the same qualifications and be subject to the same penalties for illegal voting as is

provided for and required by this act for annual elections. The ballots used at such election shall be written or printed on paper, as follows: "For Borough Charter," or "Against Borough Charter," as the case may be. The votes at such election shall be canvassed by said canvassers and the result thereof be declared and published by them. If said canvassers shall declare and publish that a majority of the votes cast at such election were for "Borough Charter," this act shall be and remain in full force and effect. But if a majority of said votes should be against "Borough Charter," then in such case all rights, privileges and powers by this act granted, shall be forfeited and no further election or action under or by virtue of it shall be taken or be valid. No irregularities in conducting the proceedings or election in this proviso provided for, shall affect or default this act. The polls of the election in this section provided for, shall be opened at nine o'clock A. M. of the day fixed for said election and closed at four o'clock P. M. of said day.

Approved March 5, 1869.

CHAPTER VII.

An Act to amend an act entitled "An Act to Incorporate the village of Austin." Feb'y 27, 1869.

- SECTION 1. Amendment to Section three (3) of Chapter I of the act incorporating the Village of Austin. Elective officers of said Village—term of office—qualifications for office.
2. Amendment to Section one (1) of Chapter II of said act. Of whom the Common Council to consist—style of ordinances—who to be presiding officer.
3. Amendment to Section six (6) of Chapter II of said act. Council to appoint officers of said Village—when.
4. Amendment to Section seven (7) of Chapter II of said act. When annual election to be held—what officers to be elected—how elections conducted.